

MINUTES OF MEETING
SIX MILE CREEK COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Six Mile Creek Community Development District was held on Wednesday, October 21, 2015 at 2:00 p.m. at the Offices of Governmental Management Services, 475 West Town Place, Suite 114, St. Augustine, Florida 32092.

Present and constituting a quorum were:

| | |
|----------------|--------------------------|
| Chris Kuhn | Chairman |
| Grady Miars | Vice Chairman (by phone) |
| Chris O'Bannon | Supervisor |
| Mike Veazey | Supervisor |
| Rose Bock | Supervisor |

Also present were:

| | |
|------------|-------------------|
| Jim Oliver | District Manager |
| Wes Haber | District Counsel |
| Scott Wild | District Engineer |

FIRST ORDER OF BUSINESS

Call to Order

Mr. Oliver called the meeting to order at 2:00 p.m.

SECOND ORDER OF BUSINESS

Audience Comments

There were no audience members in attendance.

THIRD ORDER OF BUSINESS

Affidavit of Publication

Mr. Oliver stated included in your agenda package is a copy of the affidavit of publication of notice for today's meeting and for the RFQ for engineering services.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the September 16, 2015 Meeting

Mr. Oliver stated included in your agenda package is a copy of the minutes of the September 16, 2015 meeting. Are there any additions, corrections or deletions?

On MOTION by Mr. Kuhn seconded by Mr. Veazey with all in favor the Minutes of the September 16, 2015 Meeting were approved.

FIFTH ORDER OF BUSINESS

Ranking of Engineering Design Services

Mr. Oliver stated we received one response from the RFQ for engineering design services, which was from Genesis.

Mr. Kuhn stated I spoke with Wes and based on an underwhelming response, we would like to advertise it again and see if we can't solicit additional proposals.

On MOTION by Mr. Kuhn seconded by Ms. Bock with all in favor to Reject all Proposals & Direct Staff to Re-advertise an RFQ Seeking Engineering Design Services was approved.

SIXTH ORDER OF BUSINESS

Consideration of Real Property Exchange for Stormwater Ponds

Mr. Wild stated included in your agenda package there was an exhibit that we sent out but I wasn't sure how well it would show up, so I went ahead and brought some copies on 11x17 paper. Back in 2007, there were some property conveyances from the original Developer to the District. There were pond parcels and some future right-of-way, as well as some existing ponds and existing right-of-way. Two of the pond parcels that were future ponds that were conveyed, we have since re-master planned and done some additional wetland delineation that has allowed us to move the ponds around and accomplish developing more assessable lots. In that re-master planning, we discovered that the ponds that had originally been conveyed lied within areas that were now going to be assessable lots. The map that I prepared for you here shows an overlay of the old master plan with the new master plan. The green areas are areas that are now proposed to be lots and the red areas are what we would propose to exchange for that land that the District owns to get an even land exchange. If you look at the table on the side of the exhibit, we would request that the District convey 1.8 acres of former pond sites to the Developer and in exchange, there would be 1.85 acres of land conveyed back to the District. Those would be necessary for the construction of the reconfigured ponds. There would be sketch and legal and other documents that would have to be prepared.

Mr. Haber stated I spoke with the District's Bond Counsel because the portions of the property that the CDD presently owns, were paid for from the proceeds of the District bonds. He was comfortable with the exchange. The property that the CDD is giving up and the property

that the CDD is getting, otherwise being located in a different area is of like kind property. It can be used for the same purposes. We are just essentially moving it, so we can have our pond to better fit within the overall present development plan.

Mr. Wild stated that is correct.

Mr. Haber stated Peter Dame is comfortable with the transaction. The other thing he asked is the CDD getting the same amount of property or more than it is giving and as you saw on Scott's chart, we are getting .05 acres more than we are giving.

On MOTION by Mr. Veazey seconded by Mr. Kuhn with all in favor to Authorize the Conveyance of the CDD Property to the Developer & Acceptance of the Property from the Developer to the CDD & Authorizing District Staff and Chair to Execute the Necessary Documents to Effectuate those conveyances was approved.

Mr. Kuhn asked is this the only area, where we have this condition?

Mr. Wild responded this is the only area that we have done site plans of future areas.

Mr. Miars joined the meeting by telephone.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2016-01, Amending the Fiscal Year 2015 Budget

Mr. Oliver stated at the end of each budget year, we do our budget amendments before we start the audit for that year. On the resolution below the two whereas clauses, there is a title clause and it mentions Baytree Community Development District. We will change that to Six Mile Creek CDD. The exhibit for the resolution is the amended budget itself. If you turn inside the front cover of page one, you will see the general fund budget, which is funded with Developer contributions. The first column after the line items is the adopted budget for fiscal year 2014 and fiscal year 2015. You will see for fiscal year 2015, some of the line items were under budgeted and some were over budgeted. You can see what the increase was needed to bring the budgets into balance. The adopted budget for Developer contributions in the revenue section, you can see we budgeted \$167,000 for Developer contributions. We actually needed to increase that \$78,000. That brings the amended budget up to \$246,000. The actuals that have come in so far are \$238,000. In the next section for expenditures, you will see that we budgeted \$12,000 for supervisor's fees. We actually expended \$13,200 for supervisor's fees. The third

column reflects an increase of \$1,200 for that line item. Under arbitrage and trustee fees, those numbers came in under what was budgeted, so we decreased those line items. In total for expenditures admin budget, you will see increases in the budget of \$17,000. In operations and maintenance, there are increases of \$65,000.

On MOTION by Mr. Kuhn seconded by Mr. O'Bannon with all in favor Resolution 2016-01 Amending the Fiscal Year 2015 Budget was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Construction Related Matters

Mr. Haber stated there are two items that I have been working on with your Chair that this board has already approved. We went through a RFP process to award a contract for the construction of the amenity center. It was a two stage RFP, where we awarded the contract to Sheer for the initial stage of value engineering and negotiating the contract. I think we have reached a phase, where we are ready to begin the process of negotiating the terms of the agreement. The original RFP had the lump sum schedule of value type contract and I think we are going to do a guaranteed maximum price contract, so we are making some revisions to that contract.

Mr. Kuhn stated over the course of the summer, the amenity center was completely designed. It was submitted for permit. The contractor pulled permits about a week and a half ago, so the permits are in-hand for the amenity center. Their pricing should be complete within the next week or at the end of next week. As we contemplated when we did the RFP, we knew there may be certain scope items that were not completely bid out at the time we went to contract. What a guaranteed max price will allow you to do is as they price out scopes of work, after they have already executed the contract, any savings they realize can come back to the owner. The GMP (guaranteed maximum price) contract approach works in our favor, whereby, they set a maximum price limit for the cost of the work and then savings that are realized during the buyout of the project can be returned to the owner or put into a contingency line item to reduce the overall contract amount. Wes and Jere Earlywine are preparing that document. We will be submitting it to them to negotiate the business terms.

Mr. Haber stated the other one I wanted to update on was when we did our RFP for landscape and irrigation installation, there was a bid alternate to that RFP, which we didn't

award at that time but the board gave the authority for the Chairman to enter into a contract as long as it was within the perimeters. Randy Suggs submitted a proposal and their proposal was the least amount. We have an executed agreement with Randy Suggs for that bid alternate based on that prior approval that this board gave.

Mr. Kuhn stated it is underway. He mobilized a few weeks ago. He has completed the irrigation. The entrance is shaping up and should be complete in the next two to three weeks. The change order has to do with a decision that we made a couple months ago at the entry. We did some additional clearing at the front entryway. We added some additional hardscape columns to Sheer’s entryway and the purpose of that was to extend the entry monumentation further south down Pacetti Road and create a stronger visible entrance for the community and the District on its Pacetti Road frontage. The additional hardscape improvements that we approved now need some landscape treatment. There is a larger footprint than what Randy Suggs originally bid on. He has proposed a change order of \$34,949, which would take his contract amount to \$132,321.89. What I would ask that we consider and approve is a not to exceed amount. I think we can save some money from this scope of work. Some of the field conditions seem to allow us to leave existing pine trees and things in place, so we may need less material than what is shown on the landscape plan. He has priced what is on the landscape plan but I think we can probably save some money in the actual execution of the work.

On MOTION by Mr. Veazey seconded by Ms. Bock with all in favor the Randy Suggs Change Order with a not to exceed amount of \$34,949 was approved.

NINTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being none, the next item followed.

B. Engineer – Requisition Summary

Mr. Wild stated included in your agenda package was a requisition summary but there has since been one requisition added, which was a FEMA review fee. That requisition is for

\$900 for the review fee. I would be asking for approval of Requisition Nos. 248 through 254 totaling \$77,125.93.

On MOTION by Mr. Kuhn seconded by Ms. Bock with all in favor Requisition Nos. 248-254 were approved.

C. Manager

There being none, the next item followed.

D. Field Services

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS Supervisors' Requests and Audience Comments

Mr. Haber stated I have been working with Mike Veazey with respect to conversations with the neighboring property owner, Mr. East. You may recall at the last meeting, we had some discussions about the fact that there are some improvements that the CDD installed located on his property. There are some recorded easements in the public records but they lack some clarity as to whether they are permanent in nature; such that, the improvements on his property are allowed to be there and the County is raising issues with that. So far, I think things are moving in the right direction. Mike has had a number of conversations with Mr. East and we are getting an idea of what he is looking for as it relates to getting a document signed that makes it perfectly clear that the CDD/County can have the improvements on his property. We continue to talk to him. His most recent request was that the CDD do something as it relates to some improvements on his yard for a fence or hardscape features. He also wants the CDD to connect his property to water and sewer. He also wants the CDD to reimburse him for some work that he did on his septic tank because part of the negotiations that took place previously with him were that connection to the water and sewer was going to take place earlier. His argument is I wouldn't have had to do this septic work if I had that connection previously. Mike asked for some paperwork showing what he paid for on that septic work. We are still waiting on that paperwork. It is unclear whether Mr. East believes that the conversations we are having with him are the negotiation or we are looking to say here is what you are going to get and we are going to continue to negotiate more as to what the District may provide in order to get this easement. We

have asked that we make it pretty clear that what we are negotiating now is to get the easement and that there aren't further negotiations to take place. Because we are unit of government, we sort of need to have substance to what we are paying and what we are paying for we are getting a value. I think we are headed in that right direction.

Mr. Veazey stated I left a message for him again this morning.

Mr. Kuhn stated at one point this issue seemed to have some effect on our ability to get permits approved, so it may be worth Scott reaching out to the appropriate person at the County and let them know that we have reached out now a couple of times and we are now waiting for a call back from Mr. East on the latest conversation.

Mr. Wild stated I will give them an update.

TWELFTH ORDER OF BUSINESS Financial Statements as of September 30, 2015

Mr. Oliver stated included in your agenda package is a copy of the financial statements as of September 30, 2015.

THIRTEENTH ORDER OF BUSINESS Consideration of Funding Request FY15-#15

Mr. Oliver stated included in your agenda package is Funding Request FY15-#15 in the amount of \$9,488.63.

On MOTION by Mr. Kuhn seconded by Mr. O'Bannon with all in favor Funding Request FY15-#15 was approved.

FOURTEENTH ORDER OF BUSINESS Consideration of Funding Request FY16-#1

Mr. Oliver stated included in your agenda package is Funding Request FY16-#1 in the amount of \$27,816.92.

On MOTION by Mr. Kuhn seconded by Mr. Veazey with all in favor Funding Request FY16-#1 was approved.

FIFTEENTH ORDER OF BUSINESS

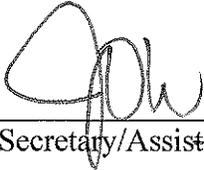
**Next Scheduled Meeting – Wednesday,
November 18, 2015 @ 2:00 p.m. at the
Offices of GMS**

Mr. Oliver stated the next meeting is scheduled for November 18, 2015 at 2:00 p.m. at this location.

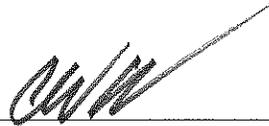
SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Kuhn seconded by Ms. Bock with all in favor the Meeting was adjourned.



Secretary/Assistant Secretary



Chairman/Vice Chairman